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MS PCT
PATENT
4518-0108PS1

IN THE U.S. PATENT AND TRADEMARK OFFICE

APPLICANT: LOIBNER, Hans
INTERNATIONAL APPL. NO.: PCT/AT03/00219
APPL. NO.: 10/524,520
CONF.: 3426
FILED: February 11, 2005
FOR: USE OF ANTIBODIES AGAINST A
TUMOR-ASSOCIATED ANTIGEN

LETTER SUBMITTING ADDITIONAL DOCUMENTS FOR
ENTERING NATIONAL PHASE FOR A PCT APPLICATION

MS PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

October 31, 2005

Sir:

Under the provisions of 37 C.F.R. § 1.494 or 37 C.F.R. § 1.495, attached hereto are the following additional items necessary for entering the national phase in connection with the above-identified PCT international application.

DOCUMENTATION

- ☐ Executed Declaration and Power of Attorney
☐ Original ☐ Photocopy
- ☐ The specification attached to the executed Declaration and Power of Attorney is a true copy of the specification that was filed in the U.S. Patent and Trademark Office on February 11, 2005, including any amendments thereto (if applicable) filed on even date therewith.

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Appl. No. 10/524,520

- ☒ The undersigned hereby declares that "Attorney Docket No. 4518-0108PS1" on page 1 of the attached inventors' Declaration corresponds to Appl. No. 10/524,520 filed February 11, 2005 entitled "USE OF ANTIBODIES AGAINST A TUMOR-ASSOCIATED ANTIGEN."
- ☐ Attached is a copy of the Notification of Missing Requirements (371 Formalities Letter).
- ☐ Attached is an English language translation of the above-identified application that was filed in a foreign language, which should be used as the copy for examination purposes.
- ☐ See the attached Translator's Verification; or
- ☐ The undersigned states that the English translation attached hereto is a true and correct translation of the application as originally filed in a foreign language.
- ☒ Attached are four (4) sheet(s) of drawings. Please substitute these corrected drawings for the corresponding four (4) sheets of drawings on file in the above-identified application.
- ☐ Attached are substitute claims commencing on a separate sheet in accordance with 37 C.F.R. § 1.75(h).
- ☐ Attached is a substitute abstract commencing on a separate sheet in accordance with 37 C.F.R. § 1.72(b).
- ☐ Attached is a substitute specification that complies with 37 C.F.R. § 1.52. The substitute specification does not contain new matter.
- ☐ Applicant claims small entity status under 37 C.F.R. § 1.27.
- ☐ Submitted concurrently herewith under separate cover for recording is an Assignment.
- ☐ _____

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Appl. No. 10/524,520

FEES

- ☐ The Government Filing Surcharge for late filing of oath and/or declaration in the amount of \$0.00 in accordance with 37 C.F.R. §§ 1.494 and 1.492 was previously paid for concurrently with the filing of the application on .
- ☒ The Government Filing Surcharge for late filing of the English translation in the amount of \$130.00 in accordance with 37 C.F.R. § 1.492. The required fee of \$130.00 is attached hereto.
- ☐ Application Size Fee in the amount of \$0.00, calculated as follows: (for submission of Translation of Specification or Substitute Specification and Drawings)

			LARGE ENTITY	SMALL ENTITY
SHEETS OF SPEC & DWG	-100 =	0	0 x 250 =	0 x 125 = \$0

- ☐ Additional claim fee(s) under 37 C.F.R. § 1.16(b)-(d) in the amount of \$0.00; which have been calculated as follows:

	CURRENT NUMBER OF CLAIMS		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA	RATES	ADDITIONAL FEE
TOTAL		-	20	=	0	\$50 (large)	\$0.00
INDEPENDENT		-	3	=	0	\$200 (large)	\$0.00
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM						\$360 (large)	\$0.00
TOTAL							\$0.00

- ☐ No extension fee is required because the undersigned has not yet received the Notification of Missing Requirements (Formalities Letter). However, if for some reason it is determined that an extension of time is necessary, applicant hereby respectfully petitions for an extension of time for the filing of the present paper in accordance with the provisions of 37 C.F.R. § 1.136 and 37 C.F.R. § 1.17.

Appl. No. 10/524,520

- ☐ Applicant(s) hereby respectfully petitions for () month(s) extension of time for the filing of the present paper in accordance with the provisions of 37 C.F.R. § 1.136 and 37 C.F.R. § 1.17. The required fee of \$0.00 is attached hereto.
- ☐ Check(s) in the amount of \$0.00 to cover the above-mentioned fees is/are enclosed.
- ☒ Please charge Deposit Account No. 02-2448 in the amount of \$130.00. A triplicate copy of this transmittal form is enclosed.
- ☐ No fee(s) required.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

11/03/2005 LLANDGRA 00000052 022448 10524520
01 FC:1618 130.00 DA

LRS/lmt
4518-0108PS1

Attachment(s)

By [Signature] # 47,604
for Leonard R. Svensson, #30,330
P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Certificate of Transmission
I hereby Certify that this correspondence is being
facsimile transmitted to the Patent and
Trademark Office.
On October 31, 2005
Date
[Signature]
Signature
Lori M. Tillman
Typed or printed name of person signing certificate

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UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

U.S. APPLICATION NUMBER NO 10/524,520	FIRST NAMED APPLICANT Hans Loibner	ATTY. DOCKET NO. 4518-0108PUS1
INTERNATIONAL APPLICATION NO. PCT/AT03/00219		
LA. FILING DATE 07/31/2003	PRIORITY DATE 08/12/2002	

02292
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

DOCKETED

Response/Drawing
10/30/2005

CONFIRMATION NO. 3426
371 FORMALITIES LETTER
OC000000016889729
OC000000016889729

Date Mailed: 08/30/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 02/11/2005
- English Translation of the IA filed on 02/11/2005
- Copy of the International Search Report filed on 02/11/2005
- Copy of IPE Report filed on 02/11/2005
- Copy of Annexes to the IPE filed on 02/11/2005
- Information Disclosure Statements filed on 02/11/2005
- Oath or Declaration filed on 02/11/2005
- U.S. Basic National Fees filed on 02/11/2005
- Priority Documents filed on 02/11/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. The current translation of the application into English is defective as described below. Note a processing fee will be required if submitted later than 30 months from the priority date.
 - The text in the drawings has not been properly translated.
- Processing fee for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(i)).

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Small Entity:

- \$130 for English translation surcharge required.

Additionally the following defects have been observed:

- The translations of Annexes are canceled since the translations were not submitted prior to 30 months from the priority date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHAKEEL AHMED

Telephone: (703) 308-9140 EXT 208

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/524,520	PCT/AT03/00219	4518-0108PUS1

FORM PCT/DO/EO/905 (371 Formalities Notice)

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650 Town Center Drive, Suite 620
Costa Mesa, CA 92626-1925
Phone: (714) 708-8555
Fax: (714) 708-8565

**Birch, Stewart,
Kolasch & Birch, LLP**

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To:	Missing Parts, USPTO	From:	Leonard R. Svensson
Fax:	(571) 273-8300	Pages:	11 including cover sheet
Phone:		Date:	October 31, 2005
Your Ref.:	Application No. 10/524,520	Our Ref.:	4518-0108PUS1
Re:	Response to Notification of Missing Requirements	CC:	
<input type="checkbox"/> Urgent <input type="checkbox"/> For Review <input type="checkbox"/> Please Comment <input type="checkbox"/> Please Reply <input type="checkbox"/> Please Recycle			

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● **Comments:**

Attached for filing are the following documents:

1. Letter Submitting Additional Documents for Entering National Phase of a PCT Application
2. Four (4) sheets of translated drawings
3. Copy of Notification of Missing Requirements